

Exhibit C

From: Tanner Laiche <TLaiche@susmangodfrey.com>

Sent: Friday, April 5, 2024 10:35 AM

To: Alex Alfano <aalfano@sternekessler.com>; Mikaela Robes <mrobes@sternekessler.com>; andrea@wsfirm.com; Bryce T. Barcelo <BBarcelo@susmangodfrey.com>; Meng Xi <MXi@susmangodfrey.com>; Wendy Kelly <wkelly@susmangodfrey.com>; Joanna Stanley <jstanley@SusmanGodfrey.com>

Cc: ELVIE-DAO-HEALTH <ELVIE-DAO-HEALTH@sternekessler.com>; External-Melissa Smith (gillamsmithlaw.com)

<melissa@gillamsmithlaw.com>; Tom Gorham <Tom@gillamsmithlaw.com>; Diana Arias <Diana@gillamsmithlaw.com>

Subject: Re: Dao Health v. Chiaro 2:23-cv-00289: Elvie's Identification of Dao Custodians to Know the Size and Date Ranges of the Maintained Email Files

EXTERNAL EMAIL: Use caution before clicking links or attachments.

Alex,

Thanks for your questions. Dao Health would be happy to answer formal interrogatories pertaining to the issues identified below in accordance with the Court's Discovery Order and the federal rules.

With respect to Howard Rockman's emails, Dao Health does not have the legal right to access Mr. Rockman's email inbox, which contains personal emails and privileged conversations between Mr. Rockman and other third-party clients. The out-of-circuit opinion *Mercy Catholic Medical Center v. Thompson*, 380 F.3d 142, 160 (3d Cir. 2004) you cited does not hold otherwise. Indeed, for obvious reasons Dao Health is not aware of any opinion holding that an attorney's emails are deemed to be within the possession, custody, or control of a client. Even if it were, given the privileged nature of any emails between Mr. Rockman and Dao Health, Elvie has no basis to require Dao Health to search Mr. Rockman's inbox as it would be overly burdensome, not proportional to the needs of the case, and not likely to lead to the discovery of admissible evidence.

Regards,

Tanner Laiche

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